

BAKER DANIELS

We know the territory®

Est. 1863

111 East Wayne Street, Suite 800 Fort Wayne, Indiana 46802 260.424.8000 Fax 260.460.1700 www.bakerdaniels.com

Indiana

Washington, D.C.

China

FAXED
AUG 11 2004**Facsimile Cover Letter**

CONFIDENTIALITY NOTICE: THE MATERIALS IN THIS FACSIMILE TRANSMISSION ARE PRIVATE AND CONFIDENTIAL AND ARE THE PROPERTY OF THE SENDER. THE INFORMATION CONTAINED IN THE MATERIAL IS PRIVILEGED AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) NAMED BELOW. IF YOU ARE NOT THE INTENDED RECIPIENT, BE ADVISED THAT ANY UNAUTHORIZED DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS MATERIAL IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF THE FORWARDED DOCUMENTS TO US.

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

<u>Name</u>	<u>Company</u>	<u>Fax No.</u>
1. Examiner R. McCarry	U.S. Patent and Trademark Office	703-872-9306

OFFICIAL
RECEIVED
CENTRAL FAX CENTER
AUG 11 2004**From:** John F. Hoffman**Date:** August 11, 2004**Comments:** _____**Return To:** N. Wappes**Total number of pages, including cover letter:** 4

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL THE
FAX DEPARTMENT AT 260.460.1682 AS SOON AS POSSIBLE.**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Kris Kilian et al) Group: 3617
Serial No. 09/647,670)
Filed: November 20, 2000) Examiner: R. McCarty, Jr.
Title: SIDE REINFORCED BULK MATERIAL)
TRANSPORT CONTAINER)

RECEIVED
CENTRAL FAX CENTER
AUG 11 2004
OFFICIAL

REQUEST FOR CONSIDERATION OF
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

Sir:

An Information Disclosure Statement was filed in the above application by mail on May 21, 2004. Because the Statement included a certificate of mailing in accordance with 37 C.F.R. 1.8, the effective filing date of the Statement is prior to the May 24, 2004, mailing date of the Notice of Allowance, although it is likely that the Notice of Allowance and Information Disclosure Statement crossed in the mail.

Since no acknowledgement has yet been received that the Examiner has considered the Information Disclosure Statement, it is requested that such acknowledgement be faxed to the undersigned at 260-460-1692.

The following comments relating to the documents cited in the Information Disclosure Statement have been provided by Applicants' Australian representative:

The "Dial a Dump -- Keeping Australia Clean" promotional material does not teach or disclose a "wheeled road or railway bulk material transport vehicle comprising a set of wheels and a container supported on the wheels for holding the bulk material", or that the container has a ridge "wherein the angle of the first wall portion of the ridge relative to the side wall portion is a function of the angle of repose of the bulk material such that the first wall portion is aligned with the flow of the bulk material during unloading of the bulk material from the container or the road or railway vehicle."

PATENT

While the 1946 Car Builders Cyclopaedia of American Practice, 17th Edition, relates to wheeled railway wagons, none of the wagons depicted provide a ridge running along a side wall between the end walls, wherein the angle of the first wall portion of the ridge relative to the side wall portion is a function of the angle of repose of the bulk material such that the first wall portion is aligned with the flow of the bulk material during unloading of the bulk material from the container.

That is, neither document teaches or discloses an integral ridge projecting into and running along at least one of the side walls of the container that has the pitch of the ridge calculated from the angle of repose of the material to be carried in the container. During unloading of a container according to the present invention, because of the relationship between the angle of pitch of the ridge and the angle of repose of the material, the ridge assists in allowing the flow of material out of the container during unloading while providing integral strength and rigidity to the container to allow maximum volume within gauge requirements for the maximum dimensions of the container.

We also note that the majority of wagons depicted in the "Car Builders Cyclopaedia" reference are box cars wherein the construction of the side walls is not relevant to the way the vehicle is unloaded, and especially not rotational or bottom dumping. Unloading for box cars is carried out through doorway access in the sides of the vehicle, and thus, the construction of the sides of the wagons play no part in the flow of material during unloading.

PATENT

It is requested that the Information Disclosure Statement be considered as soon as possible because the deadline for paying the issue fee is August 24, 2004, and the Applicants want to ensure that proper consideration was given to the Statement before the issue fee is paid.

Respectfully submitted,

John F. Hoffman
Registration No. 26,280

Attorney for Applicants

JFH/nw

BAKER & DANIELS
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (facsimile number 703-872-9306) on the date indicated below:

JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

August 11, 2004

Date